

Section 4

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,
Attn: Box Missing Parts,
Washington, D.C. 20231, on September 15, 1999

PATENT

Attorney Docket No. 023070-094800US

TOWNSEND and TOWNSEND and CREW LLP

By

Joy M. Marshall



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chern, et al.

Application No.: 09/294,539

Filed: April 19, 1999

For: PROTEINS THAT REGULATE
SYSTEMIC ACQUIRED
RESISTANCE IN PLANTS

Examiner: Not Assigned

Art Unit: 1643

TRANSMITTAL LETTER - RESPONSE
TO NOTICE OF MISSING PARTS

Attn: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to the Notice to File Missing Parts of Application - Filing Date Granted dated May 21, 1999, enclosed are the following to be made of record in the above-identified application:

- 1) Executed Declaration
- 2) Power of Attorney By Assignee
- 3) Certificate of Assignee Under 37 C.F.R. § 3.73(b), w/copy of Assignment
- 4) Verified Statement Claiming Small Entity Status
- 5) Copy of Notice to File Missing Parts

Please charge Deposit Account No. 20-1430 for the following fees:

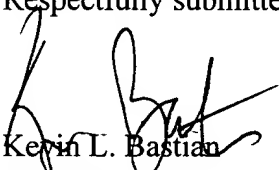
| | | |
|-------------------|---------------------------------------|-----------|
| Small entity: (a) | Filing Fee (§ 1.16(a)) (Small Entity) | \$ 380.00 |
| (b) | Excess Claims Fees (§ 1.16(b), (c)): | |
| | 69 - 20 = 49 x \$ 9.00= | \$441.00 |
| | 3 - 3 = 0.00 x \$ = | \$0.00 |
| (c) | Missing Parts Surcharge | \$65.00 |

TOTAL FEES TO BE CHARGED

\$886.00

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in triplicate.

Respectfully submitted,


Kevin L. Bastian
Reg. No. 34,774

TOWNSEND and TOWNSEND and CREW LLP

Two Embarcadero Center, 8th Floor

San Francisco, California 94111-3834

(415) 576-0200

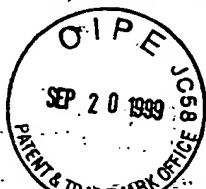
Fax (415) 576-0300

KLB:dk:

rev. 3/99

SF 150886 v1

SF 1027182 v1



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
|--------------------|---------------------|-----------------------|---------------------------|

09/22/1999 04/19/99 MAW SHENG

23070-948

020350 0232/0521
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER EIGHTH FLOOR
SAN FRANCISCO CA 94111

NOT ASSIGNED

1643

DATE MAILED:

05/21/99

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 890.

- ☒ 1. The statutory basic filing fee is:
☐ missing.
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing or unsigned.

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

09/22/1999 TLWJ11 00000119 201430 09294539

| | |
|-----------|-----------|
| 01 FC:201 | 380.00 CH |
| 02 FC:203 | 441.00 CH |
| 03 FC:205 | 65.00 CH |